

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6180**

**BILL NUMBER:** HB 1031

**NOTE PREPARED:** Nov 15, 2011

**BILL AMENDED:**

**SUBJECT:** Tobacco Self-Service Displays.

**FIRST AUTHOR:** Rep. Cherry

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill allows a retail establishment to sell or distribute cigars and pipe tobacco through a self-service display. (Current law provides that the owner of a retail establishment that sells or distributes tobacco products through a self-service display commits a Class C infraction.)

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The bill could have a negligible impact on the state General Fund and court fees received by exempting cigars and pipe tobacco from the Class C infraction for selling tobacco products from self-service displays. There are no data available to indicate the average annual number of infractions for this offense but it is assumed to be minor.

The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

When court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), the public defense administration fee (\$5), the court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Local governments receive revenue from the following sources when actions are filed and judgements are entered. The county general fund receives 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106